



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,590	10/09/2001	Josef Gottling	4100-273	6147

7590 12/04/2002

COHEN, PONTANI, LIEBERMAN & PAVANE  
Suite 1210  
551 Fifth Avenue  
New York, NY 10176

EXAMINER

HENCE, ANDREA A

ART UNIT	PAPER NUMBER
----------	--------------

2854

DATE MAILED: 12/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/973,590

Applicant(s)

GOTTLING ET AL.

Examiner

Andrea A. Hence

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed October 9, 2001 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: (30) toothed belt. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: Element (36). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because Elements (1) and (16) include "1.1...1.4" and "16.1...16.5). Please list each number and separate with commas (e.g. 1.1, 1.2, 1.3, 1.4). A proposed drawing correction or corrected drawings are required in reply to the Office action to

Art Unit: 2854

avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the carrier cylinder being one of plural cylinders of different diameters which are mountable must be shown and the intermediate sleeve being one of plural intermediate sleeves of different external diameters must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4, 6, 8, and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. The term "sleeve-like" in claims 4, 6, 8 and 9 is a relative term which renders the claim indefinite. The term "sleeve-like" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

*Claim Rejections - 35 USC § 103*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. Claims 1,2,5, 7 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821). Referring to claim 1, Vermeersch teaches an apparatus for producing printing plates (Figure 1) comprising a frame (See Column 9, line 29), a mounting arranged in said frame (See Column 9, line 29), a carrier cylinder (50) having a first and second end (See Figure 1), a motor for driving said carrier cylinder (Figure 2), and an image setting device (65) moveable along said carrier cylinder. Vermeersch does not teach a carrier cylinder being cantilever mountable on mounting via said first end of said carrier cylinder. Petersen et al teaches a carrier cylinder (cylinder shown to the left of (1) in Figure 1) being cantilever mountable (Column 1, lines 27-28) via said first end of carrier cylinder.

Art Unit: 2854

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by using cantilever mounting as claimed such that the carrier tube can be mounted in an axially movable way as taught by Petersen.

Referring to claim 2, Vermeersch teaches all that is claimed above, except Vermeersch does not teach a mounting) that includes a carrying tube fixed in a frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being arranged in said carrying tube having a drive connection to the spindle. Petersen teaches mounting (See Figure 1) that includes a carrying tube (6) fixed in a frame and a spindle (3) mounted in said carrying tube, said spindle being connected to said carrier cylinder (See Figure 1) and said motor (22) being arranged in said carrying tube having a drive connection to the spindle (See Figure 1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by using a mounting with the elements as claimed to provide a play-free, compact drive for cylinders as taught by Petersen.

Referring to claim 5, Vermeersch teaches the carrier cylinder (50) including a clamping device (See Column 9, lines 9-11) for clamping a printing plate (55) onto said carrier cylinder.

Referring to claim 7, Vermeersch teaches the carrier cylinder is one of plural cylinders of different diameters which are mountable (See Column 9, lines 24-28).

Referring to claim 12, Vermeersch teaches a crossmember (67) arranged in frame parallel to an axis of rotation of carrier cylinder (See Figure 1), said imaging device (65) being movable on crossmember.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in further view of Doliner (4,438,697).

Art Unit: 2854

Vermeersch and Petersen teach all that is claimed above, except Vermeersch does not teach a said motor fixed in said frame and said carrier includes a journal. Petersen teaches a said motor (22) fixed in said frame and said carrier includes a journal (See Column 3, line 4). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a motor fixed in the frame and a carrier including a journal as taught by Petersen.

Vermeersch and Petersen teach all that is claimed above, except they do not teach the apparatus further comprising an external flexible drive connecting said motor to the journal. Doliner teaches an external flexible drive (See Figures 2 and 3). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive as taught by Petersen with an external flexible drive as claimed such that the quality of the printed product is improved because of the elimination of the doubling phenomenon with simultaneous decrease of expenditures for the drive and reduction of noise generation.

13. Claims 4, 6, 8 and 9 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen et al. (5,832,821) in further view of Vrotacoe et al (5,687,647). Referring to claim 4, Vermeersch teaches a carrier cylinder (55) arranged for receiving a printing plate (55). Vermeersch does not teach the carrier cylinder having holes arranged in a cover for blowing compressed air against a printing plate inner wall. Vrotacoe teaches a plate cylinder 1 that includes a plurality of apertures 10 along the outer surface 9 of the cylinder 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include holes for blowing air as claimed to aid in engaging and disengaging printing plate as taught by Vrotacoe.

Art Unit: 2854

Referring to claim 6, Vermeersch teaches the carrier cylinder is one of plural cylinders of different diameters which are mountable (See Column 9, lines 24-28).

Referring to claim 8, Vermeersch teaches an intermediate sleeve borne (280) on said carrier cylinder which sleeve can be clamped, said intermediate sleeve being one of plural intermediate sleeves (See Column 9, lines 24-28).

Referring to claim 9, Vermeersch teaches the carrier cylinder is operative for selectively receiving printing plates of different diameters (Column 9, lines 11-13).

14. Claims 10 and 11 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen in further view of Fleischmann et al (6,070,528). Referring to claim 10, Vermeersch teaches the carrier cylinder is operative for receiving one of an offset printing plate (55).

Referring to claim 11, Vermeersch teaches all that is claimed, as discussed in the above rejections except Vermeersch does not teach the surface of the carrier cylinder comprising a gravure printing plate. Fleischmann teaches use of a gravure printing plate (1). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a gravure printing plate as claimed to allow gravure printing such that printing elements are more deeply inlaid than the printing form surface as taught by Fleischmann.

15. Claims 13-15 are rejected as being unpatentable over Vermeersch et al (6,030,750) in view of Petersen in further view of Fleischmann et al (6,070,528). Referring to claim 13, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch does not teach an erasing device settable against carrier cylinder. Fleischmann teaches an



Art Unit: 2854

erasing device settable against the carrier cylinder (See Figure 1D). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including an erasing device as claimed to allow reuse of the gravure form as taught by Fleischmann.

Referring to claim 14, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch does not teach a fixing device settable against said carrier cylinder. Fleischmann teaches a fixing device settable against the carrier cylinder (Column 2, lines 43-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a fixing device as claimed to aid in the accuracy of the image position as taught by Fleischmann.

Referring to claim 15, Vermeersch teaches all that is claimed, as discussed in the above rejections, except Vermeersch does not teach a layer applicator device settable against carrier cylinder. Fleischmann teaches a layer applicator device settable against the carrier cylinder (See Figure 1A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Vermeersch by including a layer applicator device as claimed to fill depressions evenly as taught by Fleischmann.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea A. Hence whose telephone number is (703) 305-8427. The examiner can normally be reached on Monday- Friday; 8:30a-5:30p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for

Art Unit: 2854

the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Andrea A. Hence

AAH  
December 2, 2002

*Leslie Evanisko*  
**LESLIE J. EVANISKO**  
**PRIMARY EXAMINER**